

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SHACONDA PATTON,

Plaintiff,

v.

PMTD RESTAURANTS LLC,

Defendant.

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Case No.: 2:17-CV-803-RDP

ORDER


Before the court is Plaintiff Shaconda Patton's Motion for Attorney's Fees and Costs. (Doc. # 102). After careful review of the Report and Recommendation (Doc. # 137) drafted by Magistrate Judge Gray Borden, the court finds that a resolution of Plaintiff's Motion (Doc. # 102) at this time would be premature.

As acknowledged by Magistrate Judge Borden, though Patton has filed a notice of appeal, she has not yet filed a brief clarifying her grounds for appeal. (Doc. # 137 at 6). This creates a jurisdictional dilemma. "The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). But, the district court may "entertain[] motions on matters collateral to those at issue on appeal." *Mahone v. Ray*, 326 F.3d 1176, 1179 (11th Cir. 2003). Without knowing the grounds of Patton's appeal, it is impossible to determine whether her appeal is collateral to the pending Motion (Doc. # 102) or whether the appeal divests this court of jurisdiction.

Accordingly, Patton's Motion for Attorney's Fees and Costs (Doc. # 102) is **ADMINISTRATIVELY TERMINATED**. After Patton files briefing before the Eleventh

Circuit stating her grounds of appeal, she may refile this motion. Upon refiling, and if necessary, the district court will then set a telephone conference with counsel for the parties to discuss whether there are any objections to Magistrate Judge Borden's Report and Recommendation (Doc. # 137).

DONE and **ORDERED** this May 10, 2021.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE